

AMENDMENT UNDER 37 C.F.R. § 1.111
U.S. Appln. No. 09/924,719

REMARKS

Applicants thank the Examiner for acknowledging their claim to priority under 35 U.S.C. § 119, and receipt of a certified copy of the priority document.

Applicants thank the Examiner for initialing the references listed on the PTO-1449 form submitted with the Information Disclosure Statement filed on August 9, 2001, thereby confirming that the listed references have been considered.

Claims 1-23 have been examined on their merits.

Applicants herein cancel claims 19, 20 and 22 without prejudice and/or disclaimer.

The Examiner has objected Figs. 1-3, asking Applicants to add a PRIOR ART legend to Fig. 1, and label components of Figs. 2-3. Applicants have amended the drawings accordingly.

The Examiner has objected claims 1 and 19-23 due to informalities. Applicants have amended claims 1, 21 and 23, and cancelled claims 19, 20 and 22, and submit that the objection to claims 1 and 19-23 should be withdrawn.

1. Claims 1-3, 5-8, 13 and 19-23 stand rejected under 35 U.S.C. § 102(e) as allegedly being anticipated by Andersson *et al.* (USP 6,434,380). The rejection of claims 19, 20 and 22 are now moot due to their cancellation. Applicants respectfully traverse the § 102(e) rejection of claims 1-3, 5-8, 13, 21 and 23, because Andersson *et al.* fail to teach or suggest at least limits related to the processing capacity of a base station, and controlling traffic to the base station according to those limits.

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Andersson *et al.*'s goal is to enable adding enhanced functionality to a telecommunication system without requiring fundamental revision of pre-existent processes (Andersson *et al.*, col. 1, lines 52-55).

As shown in Fig. 2 of Andersson *et al.*, whenever a connection is requested between a user equipment unit 20 and a telecommunication system by action 201, a user equipment agent 150 is allocated in an agent residence section 104 for the potential connection. An admission request issued by the user equipment agent 150 on behalf of the user equipment unit 20 lists the particular resources desired for the requested connection (e.g., transmit power, spreading codes, frequency requirements, etc.), as well as the spending capability (e.g., number of resource purchase units) of the user equipment unit 20. Resource cost or price tags 188 are sent to an admission control unit 106 from a code manager 110 and a power manager 112 by actions 2-5 and 2-6, respectively. The admission control unit 106 determines whether the user equipment agent 150 for the user equipment unit 20 has enough resource purchase units to afford the total price tag of all allocated resources.

The resource unit price for each of the plural connection resources is dynamically adjusted in accordance with load on the telecommunication system (Andersson *et al.*, col. 7, lines 1-4). Fig. 1A of Andersson *et al.* discloses an embodiment of a telecommunication system in which radio network controller (RNC) node 24 is additionally provided with an adaptive control system 500. In the adaptive control system 500 shown in Figs. 5 and 6, current traffic measurements/statistics for the cell associated with a base station are obtained and input to a

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short term prediction logic unit 554 to generate traffic prediction. The current traffic measurements/statistics for the cell include total load for the cell. The load information ascertained by the adaptive control system 500 is utilized by a price list manager 122 to dynamically adjust the resource unit prices 202 in a price list 120. For example, when the system has significant load, the price list manager 122 sets high values for resource unit prices 202, making it difficult to purchase resources.

In short, in Andersson *et al.*, current traffic measurements/statistics for a cell associated with a base station is used by an RNC to allocate the resource of a telecommunication system. However, Andersson does not address the problem of taking processing capacity into account in the control of traffic load. Andersson *et al.* fail to teach or suggest at least limits related to the processing capacity of a base station, and controlling traffic to the base station according to those limits, as recited in claim 1. Andersson *et al.* discloses nothing more than allocation of radio resource (power, bit rate, ...etc.) according to a call admission control algorithm (Andersson, col. 4, lines 34-48), which at most corresponds to the prior art of the present application (Specification, page 2, the second paragraph).

Although Andersson *et al.* disclose that user equipment negotiates resources with a capacity management system for a prospective connection, the information about the base station only includes current traffic measurement/statistics. Limits in processing capacity of a base station are not involved.

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Although the radio network controller of Andersson *et al.* has complex processes for allocating resources, such as power, bitrate, etc., the allocation does not involve limits in processing capacity of a base station.

Accordingly, Applicants respectfully submit that claims 1-3, 5-8, 13, 21, and 23 are allowable over Andersson *et al.*

2. Claims 4, 9-12 and 14-18 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Andersson *et al.* in view of Hottinen *et al.* (U.S. Patent Application Publication 2002/0012380). Applicants respectfully traverse the § 103(a) rejection of claims 4, 9-12 and 14-18 for at least the reasons discussed below.

Hottinen *et al.* disclose, *inter alia*, a method for reducing interferences caused by signal fading over the radio path. Andersson *et al.* and Hottinen *et al.* solve completely different problems. There is no motivation or suggestion to combine the two references.

In addition, Hottinen *et al.* fail to teach or suggest the recited one or more limits related to the processing capacity of a base station, and controlling traffic to the base station according to those limits. Thus, even if a skilled artisan were to combine the two references, the combination would not result in the claimed invention.

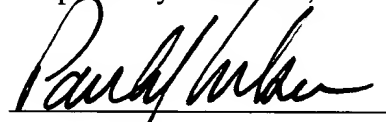
Accordingly, Applicants respectfully submit that claims 4, 9-12 and 14-18 are allowable over the combination of Andersson *et al.* and Hottinen *et al.*

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In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,


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CUSTOMER NUMBER

Date: June 28, 2005

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AMENDMENTS TO THE DRAWINGS

Attachment: Replacement Sheets for Figs. 1-4.